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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

**DEFENDANT REAL PROPERTIES
LOCATED AT 300 GAERKY CREEK
ROAD, ASHLAND AND 1205 PINE
GROVE ROAD, ROGUE RIVER,
WITHIN JACKSON COUNTY, THE
STATE AND DISTRICT OF OREGON,
WITH THEIR BUILDINGS,
APPURTENANCES AND
IMPROVEMENTS, *in rem*,**

Defendants.

Case No. 3:19-cv-00235-MA

COMPLAINT IN REM
FOR FORFEITURE

Plaintiff, United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, and Julia E. Jarrett, Assistant United States Attorney, for its Complaint *in rem* for forfeiture, alleges:

I.

This Court has subject matter jurisdiction, *in rem* jurisdiction, and venue pursuant to 18 U.S.C. § 981(a)(1)(A) and (b); 21 U.S.C. § 881(a)(6), (a)(7), and (b); 28 U.S.C. §§ 1345, 1355, 1356, and 1395.

II.

Defendants, *in rem*, are real properties located at:

- (1) 300 Gaerky Creek Road, Ashland, Oregon, and more particularly described as:

Commencing at a 2" galvanized iron pipe monumenting the Northeast corner of Section 2 in Township 39 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon, thence West 3297.48 feet, thence South 1819.35 feet to a 5/8" iron pin, for the true point of beginning; thence South 05 degrees 24'32" East 496.58 feet, to a 5/8" iron pin situated on the Northerly right of way of Gaerky Creek Drive (County Road); thence along said right of way, along the arc of a 145.00 foot radius curve to the right (the chord bears South 74 degrees 26'33" West 97.26 feet), 99.18 feet; thence along the arc of a 470.00 foot radius curve to the right (the chord bears North 68 degrees 59'15" West 274.44 feet) 278.49 feet to a 5/8" iron pin; thence leaving said right of way, North 22 degrees 34'38" West 555.75 feet to a 5/8" iron pin; thence South 79 degrees 59'42" East 524.42 feet to the point of beginning; and

- (2) 1205 Pine Grove Road, Rogue River, Oregon, and more particularly described as:

Real property in the County of Jackson, State of Oregon, described as follows: Parcel 1, Commencing at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 21 in Township 35 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon; thence South 00 degrees 08' 05" West, along the West line of said Quarter-Quarter, 30.00 feet to a 5/8 inch iron pin on the South line of Minthorne Road; thence continue South 00 degree 08' 05" West, along said line, 692.00 feet; to a 5/8 inch iron pin; thence North 89 degrees 47' 00" East, along the South line of tract described in deed recorded as Document No. 85-05568, Official Records of Jackson County, Oregon and the extension thereof, 487.98 feet to a 5/8 inch iron pin; thence North 07 degrees 00' 00" East 36.10 feet to a 5/8 inch iron pin for the true point of beginning; thence South 07 degrees 00' 00" West 310.0 feet to a 5/8 inch iron pin; thence South 87 degrees 41' 03" East 378.65 feet to a 5/8 inch iron pin witness corner; thence continue South 87 degrees 41' 03" East 20.00 feet, more or less, to the centerline of Pine Grove Road; thence Northerly, along said centerline, to a point South 89 degrees 10' 17"

East from the point of beginning; thence North 89 degrees 10' 17" West 421.62 feet to the true point of beginning.

Parcel 2: Beginning at a point in the center of Minthorne Road, 1016.00 feet West of the Northeast corner of the Northeast Quarter of the Northeast Quarter of Section 21 in Township 35 South, Range 4 West of the Willamette Meridian in Jackson County, Oregon, said point being North of the Northeast corner of tract described in deed recorded as Document No. 85-05568, Official Records of Jackson County, Oregon; thence South, to and along the East line of said tract, 692.00 feet; thence South 89 degrees 10' 17" East 594.60 feet, more or less, to the Southwesterly bank of Red Ditch Creek; thence Northwesterly, along said Southwesterly bank, to the centerline of said Minthorne Road; thence West, along said line, to the point of beginning. EXCEPTING THEREFROM that portion conveyed to Jackson County, Oregon, a Political Subdivision of the State of Oregon by deed recorded January 13, 1992 as Document No. 92-00947, Official Records of Jackson County, Oregon. Deed Instrument No. 2016-042829.

Defendants, *in rem*, real properties located at 300 Gaerky Creek Road, Ashland, Oregon, and 1205 Pine Grove Road, Rogue River, Oregon (hereinafter, "DEFENDANT REAL PROPERTIES"), are in the District of Oregon, and are now and during the pendency of this action will be within the jurisdiction of this Court.

III.

DEFENDANT REAL PROPERTIES are properties purchased with the proceeds of the sale of an illegal substance (marijuana) in violation of the Uniform Controlled Substances Act, Title 21, United States Code, Section 841 et seq., and are therefore subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(6). Further, DEFENDANT REAL PROPERTIES were used or intended to be used to facilitate the illegal production and distribution of marijuana, in violation of Title 21, United States Code, Section 841, 846, and 856, and are therefore subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(7). Further, DEFENDANT REAL PROPERTIES were involved in financial transactions conducted with the intent to promote and conceal the carrying on of illegal marijuana manufacturing in violation of Title 18, United

States Code, Section 1956, and are therefore subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(A), more particularly set forth in the Declaration of Special Agent Cameron Wall, Internal Revenue Service, marked as Exhibit A, attached and fully incorporated herein by this reference.

WHEREFORE, Plaintiff, United States of America, prays that due process issue to enforce the forfeiture of DEFENDANT REAL PROPERTIES, *in rem*; that due notice be given to all interested persons to appear and show cause why forfeiture of this DEFENDANT REAL PROPERTIES, *in rem*, should not be decreed; that due proceedings be had thereon; that these DEFENDANT REAL PROPERTIES be forfeited to the United States; that the Plaintiff United States of America be awarded its costs and disbursements incurred in this action.

DATED: February 15, 2019.

Respectfully submitted,

BILLY J. WILLIAMS
United States Attorney

s/ Julia E. Jarrett
JULIA E. JARRETT
Assistant United States Attorney

VERIFICATION

I, Cameron Wall, declare, under penalty of perjury, pursuant to the provisions of 28 U.S.C. Section 1746, that I am a Special Agent with the Federal Bureau of Investigation and that the foregoing Complaint *in rem* for Forfeiture is made on the basis of information officially furnished and upon the basis of such information the Complaint *in rem* for Forfeiture is true as I verily believe.

s/ Cameron Wall
CAMERON WALL
Special Agent
Internal Revenue Service – Criminal Investigation

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____